

NO. 24637

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

NICANOR E. CASUMPANG, JR., Plaintiff-Appellee,

vs.

ILWU, LOCAL 142, Defendant-Appellant.

APPEAL FROM THE DISTRICT COURT OF THE SECOND CIRCUIT
WAILUKU DIVISION
(CIV. NO. W98-2104)

ORDER VACATING RULE 60(b) ORDER AND DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon review of the record, it appears that the July 19, 2001 judgment in Civil No. W98-2104 was timely appealed by the parties in No. 24508. The timely appeals of the July 19, 2001 judgment divested the district court of jurisdiction to grant relief from the judgment under DCRCP 60(b) absent a remand of the case from the appellate court. See Life of the Land v. Ariyoshi, 57 Haw. 249, 252, 553 P.2d 464, 466 (1976). The October 19, 2001 order granting relief from the July 19, 2001 judgment, the Honorable Douglas H. Ige, presiding, was entered without a remand of the case from the appellate court. Thus, the October 19, 2001 order is void and of no effect. Therefore,

IT IS HEREBY ORDERED that the October 19, 2001 order granting relief from the July 19, 2001 judgment under DCRCP 60(b) is vacated without prejudice to re-entry of the order upon remand of the case from the appellate court in accordance with the procedure set forth in Life of the Land v. Ariyoshi, supra. This appeal is dismissed.

DATED: Honolulu, Hawai'i, January 22, 2002.